THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.3079 of 1998

Dated : 09.08.2007

Between:

Medam Seetharamaiah

..... PETITIONER

And:

The Secretary, Municipal Administration,
Government of A.P., Secretariat Buildings,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.3079 of 1998

ORDER:

Petitioner claims to be the absolute owner of an extent of 100.23 square yards of site situated at Bellary Road, Kurnool, on which he built a house bearing Assessment No.40-301-BTE. As the said site was required for the purpose of widening Kurnool-Bellary road, the first respondent addressed a letter to the second respondent to acquire the same, and proceedings were also initiated accordingly. As the petitioner and others, who are similarly placed, have come forward by offering their houses/open sites, the committee headed by the District Collector, Kurnool, negotiated with them and ultimately an amount of Rs.150/- per square yard was fixed as compensation, in the year 1986. However, the same did not materialize and thus petitioner continued to

be in possession of his house. Thereafter, in the year 1997 on the basis of the proposals made in the year 1986, respondents 2 to 4 acquired the land of the petitioner, by demolishing the structures, without paying any compensation and without initiating proceedings under the Land Acquisition Act, 1894 (for short 'the Act'). Hence, this writ petition seeking a writ of Mandamus directing the respondents to pay compensation of Rs.4,87,000/- (at the rate of Rs.3,500/- per square yard) with interest at 24 per cent per annum from the date of acquisition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Kurnool Municipal Corporation.

The facts are not in dispute. Petitioner is the owner of the site in question and an amount of Rs.150/- was fixed as compensation as early as in the year 1986 and thereafter, petitioner's site as well as the land of others was acquired in the year 1997, and the petitioner was not paid any compensation so far. When once it is admitted that the petitioner is the absolute owner of the site, and when it is required for the purpose of road widening, respondents are duty bound to pay compensation to the petitioner under the provisions of the Act. However as the petitioner and others, during negotiations, have come forward stating that they are agreeable to compensation at Rs.150/-, respondents should have paid the said amount in the year 1986 itself. Without doing so, they acquired the site of the petitioner after ten years. If the said amount of Rs.150/- is looked at after a period of 20 years, in my considered view, definitely it is meager. Therefore, this Court is of the view that the compensation can be fixed at Rs.500/- per square yard.

Accordingly, the writ petition is disposed of directing the respondents to pay compensation to the petitioner at the rate of Rs.500/- per square yard, within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

sh 09.08.2007